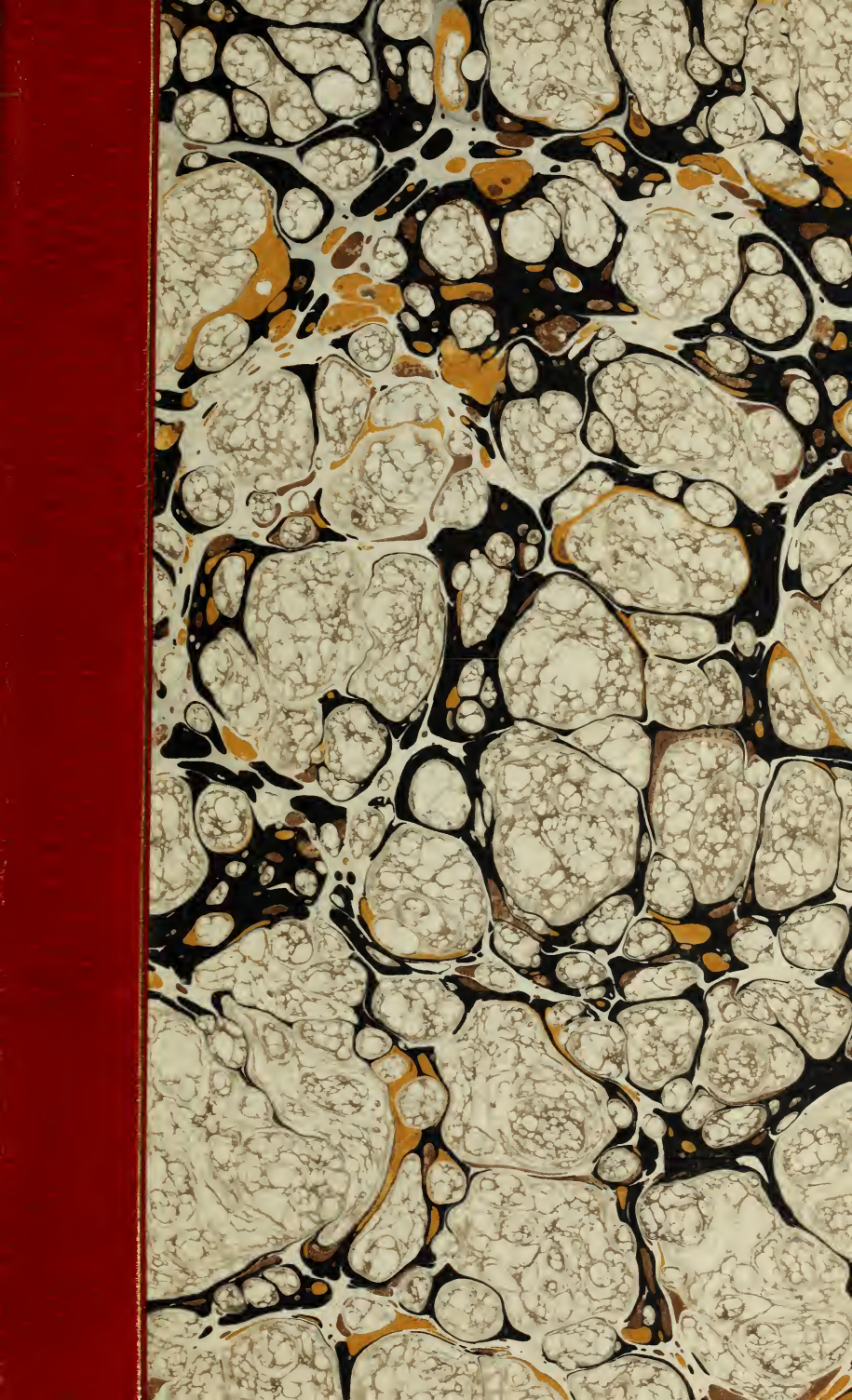

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AN

APPEAL

TO THE PUBLIC, &c. &c.

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AN

APPEAL TO THE PUBLIC,

BY

JOHN SWIFT EMERSON, ESQ.

ON THE SUBJECT

OF THE

DETECTION AND APPREHENSION

OF THE

LATE REBEL GENERAL RUSSEL,

And in refutation of certain false Assertions which have been made, relative thereto.

Dublin:

PRINTED BY M. N. MAHON, NO. 109, GRAFTON-STREET,

OPPOSITE THE COLLEGE.

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.E44
1804x

ADVERTISEMENT.

IT is with reluctance that I obtrude myself, or my private or obscure concerns, on the public; but I flatter myself, that a perusal of the following pages will shew the reader, that no other mode of redress is left me. It will be seen that I have previously resorted to every other method which was open to me for obtaining relief, but without effect. When I say that my remonstrances have been ineffectual, it is far from being my intention to hint the slightest imputation on the justice or liberality of his Excellency the Lord Lieutenant, for whom, in common with every Irishman, I entertain the most profound respect. Neither do I mean to decide upon the conduct of others towards me. The circumstances of that

conduct *truly* stated in the following pages, will speak for themselves, and if, after reading them the public shall be of opinion that I have been well treated, I shall bow to their decision. They will also judge whether, though I have called this matter a private concern of my own, yet, considering the matter to which it related, and the persons engaged in it, it be not in fact a business of a public and important nature, and which may not improperly engage the public attention. As to myself, if I was totally silent, and did not appeal to the public opinion, I should thereby acquiesce in the justice of the usage which I have received, and the objects of those from whom I have received it, would be answered.

The public will see, that this is all which I wish to avoid, that I have no pecuniary or interested ends in view, and am only anxious to contradict and refute unfounded charges and false assertions, and to vindicate my own honour and ve-

racity

racity. And this may be no improper place for returning my sincere and grateful acknowledgments to those respectable gentlemen, who, furnishing me with some of the following documents, have so effectually enabled me to do so. I shall now, without detaining the reader with further preface, enter upon my narrative, which shall be as brief as possible, consisting of my memorial and letters to His Excellency; of the letters and communications which have passed between me and the members of the Government, on the subject of my claims, of those valuable documents for which I have already returned my thanks, and of such notes or other matter, as may serve to connect and explain the rest. I have only to add my wish that, if I have been injured, the following publication may prevent the future discouragement of loyal zeal and exertion in the public cause, in critical and perilous times, and prevent the public from being wounded through the sides of an individual.

(NO. I.)

MEMORIAL

TO HIS EXCELLENCY

PHILIP EARL OF HARDWICKE,

Lord Lieutenant Gen. and Gen. Governor of Ireland, &c. &c. &c.

THE HUMBLE MEMORIAL OF JOHN SWIFT EMERSON, MEMBER OF THE ATTORNIES CORPS.

SHEWETH,

THAT your Memorialist was a claimant for the several rewards offered by Government and others, amounting in the whole to 1,500l. for the apprehension of the late Mr. Russel, who styled himself *General of the Northern District, and Member of the Provisional Government.*

That your Memorialist intending to verify this humble Memorial by his oath, begs leave to apologise to your Excellency, for his detailing with minute accuracy the particulars of the apprehension of Mr. Russel, and the circumstances which led to it, in order that your Excellency may be apprised of the entire nature of the claims of your Memorialist.

That Memorialist on the ninth day of September last, having received very confidential information, thought it his duty about the hour of eleven o'clock

in the forenoon, to wait on Mr. Secretary Marsden, and informed him as follows:—" That there was a " stranger concealed in an apartment, on the second " floor of Mr. Muley's, (Gun-maker and Armourer) " house in Parliament-street, under circumstances of " peculiar suspicion; that his face was studiously " concealed; that the windows of his apartment were " partially shut even in the day-time; that he " was waited on with mysterious respect and atten- " tion at his meals by Mr. Muley himself; and that, " considering the character for disaffection to govern- " ment which Mr. Muley bore, and various other " circumstances related to your Memorialist, no " doubt could be entertained that the stranger was " a Traitor of consequence and rank in the conspi- " racy."

That your memorialist was referred by Mr. Marsden to the Town Major Sirr, who at that time was engaged out of the city of Dublin on government business, and did not return until night, during which interval your Memorialist was anxiously employed for the most part in watching the house of Muley, and in the mean time wrote the particulars of the information he had previously related to Mr. Marsden, to Major Sirr; pointing out the very apartment in which Mr. Russel was afterwards apprehended; to which Letter, if in the hands of Major Sirr, your Memorialist begs leave to refer.*

That about the hour of nine o'clock on that night, your Memorialist had an interview with his Informant, and was told by him that the stranger was at that moment in his apartment, and as Informant was apprehensive

* Mr. Emerson wrote for this Letter to Major Sirr, and received for answer, that he had given it to Mr. Wickham.

hensive of having been observed communicating with Memorialist, begged of Memorialist, if possible, not to be seen in the business, if Informant's suspicions turned out ill-founded. Your Memorialist went, he believes, a fifth time, to the house of Major Sirr, and after his having been denied twice to him, Memorialist was at last admitted, and found him sitting in company with Mr. Minchin, *his brother-in-law.* Major Sirr, who did not seem to attach much consequence to the information, wanted to put off the search to the next day, but on the earnest request of Memorialist, attended him; Mr. Minchin having asked permission from Major Sirr, also attended Memorialist on the occasion.

That on their arrival at Muley's house, they found the shop (one part of which was occupied by one Fleming, a shoe-maker, and the other well furnished with numerous fire-arms) closed, except the door which Memorialist secured; and while Major Sirr and Mr. Minchin ascended the stairs, took (as a precautionary measure) *Fleming* into custody. Memorialist then demanded to see the list of the inhabitants of the house, which he found to consist of the families of Muley and Fleming, and contained as lodgers "Mr. and Mrs. Harris." Memorialist interrogated Mrs. Muley, "who is Mr. Harris?" she answered, "my brother:" Memorialist asked if her brother was married? she replied in the negative—then, "who is Mrs. Harris?" this question seemed much to confound her at first; she however answered, "*a woman may pass under the name of a man, and not be his wife.*" Your Memorialist at that moment heard himself called by Major Sirr, and taking Fleming, as his prisoner, with him, went into the room, where he found Major Sirr as he entered,

saying to Mr. Russel, " if you are a gentleman in " debt, and give me any respectable reference as to " the fact, I would be the last man in the world who " would intrude on your privacy." Memorialist then asked Mr. Russel, " Sir, are you a married man ?" " *No.*" " Are you any relation to the wife of the owner of this house ?" "*No.*" " Then I have to " tell you, that she claims you as her brother. " What is your name ?" " *My name is Thomas.*" Then Memorialist remarked, " that, Sir, is not the name by which you pass, as given in the list of inhabitants of this house." Upon searching the apartment, a shirt was found, which was marked with a letter which did not accord with either the name " Harris" or " Thomas," upon which Memorialist called Major Sirr aside, and whispered to him, " I am convinced " this is General Russel, he answers exactly to the " description given of him in the Proclamation, and " I have now a recollection that I have seen him, " when he was confined in Newgate." Major Sirr replied, " *it is not, but it is something like him;* " *sure I ought to know, who conducted him to the* " *water-side.*" A few minutes more passed in searching the apartments; when Major Sirr approached Mr. Russel, to take hold of his neck handkerchief, in order to see whether the mark on it corresponded with that on the shirt found in the room, when Russel said, " Sir, I will not be treated with indignity," and drew out a pistol, Major Sirr, who was quite close to him, after a little parley, saying " Sir, I treated you with every respect," assisted by Mr. Minchin, seized the pistol, while Memorialist, who was employed at the moment in searching the room, ran between his prisoner Fleming, and the party,

party, to prevent his rendering any assistance to Mr. Russel. Your Memorialist, by the direction of Major Sirr, then instantly threw up the sash of the window, and called out to the Exchange guard, who in a few minutes came, together with an officer of the Derry militia,* into the apartment. Your Memorialist told the officer on his coming in, that the prisoner was General Russel. Your Memorialist accompanied the prisoner and the guard to Mr. Marsden's office, where the Hon. George Knox fully identified the prisoner.†

That your Memorialist on the following day, about the hour of twelve o'clock in the forenoon waited on Mr. Marsden, and in a respectful manner requested he would be so good as to take a note of the time and manner of his having received the information, the preceding day from Memorialist, in order that Memorialist might avail himself of same in his claim for the several rewards, but was interrupted by Mr. Marsden, who said to Memorialist, "Sir, I make *my* "*own* notes, and I have already reported the facts to the Lord Lieutenant." Memorialist, who felt hurt at the reception which he had met, replied, *that* the report must have been an imperfect one, as he, Mr. Marsden, had not had any opportunity of hearing the facts from Memorialist.—And your Memorialist begs leave here to assert that any report which has been laid before your Excellency, which varies from the recital

* Lieut. Stewart. See his Letter.

† The circumstances of the apprehension of Mr. Russel as here detailed, were related on the same night, by Mr. Emerson, to the Bishop of Derry, brother to Mr. Knox.

recital stated in this humble memorial, insomuch varies from the truth. When Mr. Marsden on that and other occasions, stated the public services of Major Sirr, whom Government were under strong obligations to, your Memorialist fully acquiesced in the merits of that gentleman, but respectfully hoped that his services should not be remunerated out of the pocket of your Memorialist, and urged that if Mr. Marsden on the first information communicated by your Memorialist, had (without waiting for the arrival of Major Sirr, in the city of Dublin) referred your Memorialist for assistance to a detachment of the Castle guard, it would not be seriously argued, he believed, that such guard, or other officer, acting under the direction and information of your Memorialist, would be considered as entitled to any part of the reward offered by Government for the apprehension of Mr. Russel.—That your Memorialist might in the first instance have acted on the information he had received, without going to the Castle at all, or after he had gone there, might have (on not finding the officer to whom he was referred) applied to any of the gentlemen of his corps for assistance; and therefore hoped that Government would not determine on the claim of your Memorialist, so as to make his obedience to Mr. Marsden's direction operate as a penalty against the interests of your Memorialist. Mr. Marsden, in answer, referred your Memorialist to the Right Hon. Mr. Wickham, as the person who was to decide on his claim, and desired your Memorialist to consider what had passed at that interview as mere conversation. That your Memorialist applied to the Hon. Mr. Baron Smith, (under whom your Memorialist holds the situation of Examiner in his Majesty's court of Exchequer) for such an introduc-

tion,

tion, as would facilitate your Memorialist in getting an interview with Mr. Wickham, for the purpose of humbly enforcing the justice of his claim to Government; and received from him the following letter, (to which your Memorialist, with great respect, begs leave to refer your Excellency,) which your Memorialist enclosed in one to Mr. Wickham, requesting the honor of an interview.

MY DEAR EMERSON,

I cannot have any objection to giving you an introduction to Mr. Wickham, though I scarcely think one necessary. As to any recommendation of your claims to him, it would be superfluous and improper; for your application is not for a favour, but for what you conceive to be a right. Mr. Wickham will not consider your exposure of the grounds of your claim as any disrespect; and therefore let no bashfulness prevent your laying them before him as frankly and explicitly, as you have done at different times before me. *To me they appeared plain and incontrovertible.* I wish that Mr. Wickham may consider them in the same light. I think you may trust confidently to his discernment; and am certain you may rely entirely on his justice. With sincere wishes for your success on the present and all other occasions, where your interests are concerned, I in haste remain,

Dear E.

Faithfully yours,

WILLIAM SMITH.*

Oct. 22d, 1803.

J. S. Emerson, Esq.

That

* The above letter was sent by Mr. Emerson to Mr. Wickham, previous to his ineffectual application for an interview.

That your Memorialist was not however, so fortunate as to obtain the interview he sought, he having received an intimation from Mr. Wickham, that he entirely coincided in opinion with Mr. Marsden, with respect to the claims of your Memorialist.

That in some short time after, Mr. Marsden called on Baron Smith,* in consequence of which, your Memorialist received the following letter:

MY DEAR EMERSON,

Mr. Marsden has had the goodness to call upon me; and I learn from him that the arrangement now intended, and which has all along been in contemplation, is that you and Major Sirr should divide equally between you, the sum of 1500*l.* With this plan, which gives you 750*l.* I really think you should be, and I have ventured to promise for you, that you will be contented; and as this is an arrangement *of Mr. Marsden's*, who appears well and liberally disposed towards you,† and even seems hurt at this being doubted, I hope you will agree with me, that you have reason to be obliged to him.

Very Sincerely Yours,

WILLIAM SMITH.

October 25th, 18e3.

That although by your Memorialist's compliance with the terms offered in the above letter, he considered himself as giving up a large portion of his right, yet wishing

* Not in consequence of any appointment made by the Baron.

† If these and the subsequent pages should happen to meet Mr. Baron Smith's eye, he may perhaps find grounds for altering this opinion.

wishing to embarrass the government as little as possible, and to shew a ready acquiescence in the recommendation of Baron Smith, he agreed to receive the sum of 750*l.* in full of his demand, but at the time of such agreement, he requested to know from Baron Smith, whether he was to consider such sum guaranteed to him, so as that he should have no further trouble in the transaction ; and was informed, that to prevent any misunderstanding, the letter was written in Mr. Marsden's presence, and read by him, previous to its being given to your Memorialist.*

That your Memorialist was referred to Mr. Thomas Kemmis, Crown Solicitor, and received from him the sum of 500*l.* for which he passed his receipt.

That after having called several times on Mr. Marsden, for the remaining sum of 250*l.* he was at length referred by him to Mr. Taylor, who directed your Memorialist to call the following day on Mr. Kemmis for payment: which your Memorialist did, and received for answer, that no order had been sent to him for the purpose—your Memorialist waited again on Mr. Taylor, and was by him referred for payment, to the bank of Messrs. Latouche and Co.—to which he said an order had been sent for the purpose. Your Memorialist went to the bank, and was informed by Mr. Latouche that he had received such an order, but that he could not pay to your Memorialist the sum of 250*l.* as neither Mr. Marsden, or Mr. Wickham had any account whatever with the bank. Your Memorialist immediately wrote a letter which Memorialist brought to Mr. Marsden, informing him that the order he had sent was dishonored;

 and

* Mr. Emerson is accordingly content, that this letter so read by Mr. Marsden, should speak for itself, the terms of the promise.

and received a verbal communication through his porter, informing your Memorialist, that his letter did not require an answer.*

That your Memorialist having waited until the beginning of last month, hoping that Mr. Marsden would be pleased to take some notice of your Memorialist, wrote to Mr. Marsden, respectfully requesting a fulfilment of his engagement, and enclosing a copy of Mr. Baron Smith's letter, containing the terms of such engagement, and received on the 23d ult. the following answer:

"Mr. Marsden presents his compliments to Mr. "Emerson, and acknowledges the receipt of his letter "and note.——He perfectly recollects the letter "written by Baron Smith, to the terms of which Mr. "M. feels himself bound ;† but as the sum of 500*l.* "alluded to, was one which was to have been paid "by Mr. May of Belfast, of which it was supposed, "that

* In the several interviews which Mr. Emerson was obliged to have with Mr. Marsden, he was received by him, in a way the most calculated to wound the feelings of a gentleman, and indeed endured such contempts, and affronts, as hurt him more than he can describe, but Mr. Emerson having lately read a printed report of a debate, on the motion of Sir John Wriotsly, on the conduct of the Irish government in July 1803, in which there appeared the following extract of a letter, written by Mr. Marsden to general Fox—sent at seven o'clock, 23d July, "if there be danger at all, I cannot dissuade your taking care of my family;" he is free to confess that whatever emotion he has since felt, as to Mr. Marsden's conduct to him, it has not been that of resentment.

† Mr. Emerson would require no more. See former letter.

" that government was to have the disposal, and as " that sum has not been advanced by Mr. May, and " no other whatever was in Mr. M's. contemplation, " he cannot do more than send an order to the " Bank of Messrs. Latouche, to have the half of that " sum paid to Mr. E. whenever it shall be received.*

Dublin Castle,
Jan. 23d 1804.

Your Memorialist begs leave to call your Excellency's attention, to the several rewards offered for the apprehension of Mr. Russel, which may be seen in 1st and 8th columns of the newspaper, which your memorialist takes the liberty to inclose—(see Belfast paper, beginning of August.†

Your Excellency will there see that a sum of 500*l.* is offered by Brigadier-general Campbell, to any person *who shall give such information as may lead to the apprehension of Mr. Russel.*

And your Memorialist is inclined to believe, that it will not be asserted by any member of the government, that information to that purpose was given by any other person but your Memorialist. And your Memorialist therefore, humbly submits to your Excellency, that he can have no competitor in the claim of such reward.

 That

* Why the sum subscribed by the loyal inhabitants of Belfast, has not been paid, Mr. Emerson cannot take upon him to say, but he makes no doubt that they will take an opportunity of exposing any artifice, which has prevented their very liberal and praise-worthy intentions, of having been carried into effect, and will not allow any slur to be cast on a city, remarkable for its opulence and loyalty.

† See advertisements in appendix.

That your Memorialist humbly submits to your Excellency, whether, having according to the direction of Mr. Marsden, conducted the Town Major Sirr, an officer who receives a regular salary from government for his services, to the very apartment where Mr. Russel was concealed, as already humbly submitted to your Excellency; ought to have any competitor in his claim for the sum of 1,000*l.* offered by the sovereign of Belfast, *generally* for the apprehension of Mr. Russel—and if your Memorialist's claim to the last mentioned sum, required a further corroboration, whether your Memorialist having first pointed out Mr. Russel as the rebel general, whose apprehension was sought, may not be considered as a material fact in your Memorialist's favour.

That Major Sirr attended as a witness on the part of the Crown, on the trial of Mr. Russel. And your Memorialist who made it his business to ascertain the fact, has been credibly informed by several persons, and believes the information so received, to be true; that Major Sirr on that occasion in detailing on oath, the circumstances which attended Mr. Russel's apprehension, entirely omitted to state the part your Memorialist had in such transaction, and never even mentioned the name of your Memorialist, in the course of his testimony, and that he afterwards applied for himself *exclusively*, for the entire of the rewards offered for the apprehension of Mr. Russel.

That your Memorialist having solemnly verified this humble Memorial by his oath, entreats, that if on an investigation of its contents, any part of it shall be attempted to be controverted, that your Excellency will give your Memorialist an opportunity of confronting such person or persons, who may attempt same, and of substantiating his statement, by such evidence

evidence and other means, as may lie in the power of your Memorialist.

And your Memorialist humbly hopes to obtain from your Excellency, such relief in the premises as to justice may appertain, and to your Excellency seem meet.

And your Memorialist will pray.

J. S. EMERSON.

The above-named John Swift Emerson, came before me, on the 24th day of January, 1804, and made oath on the holy Evangelists, that all the contents of the above Memorial, are true. That the statements therein made, as to the said Emerson's own knowledge, are positively true; and that what is therein stated upon hearsay and belief, he verily believes to be true.

J. S. EMERSON. WILLIAM JAMES.

The above Memorial, having been transmitted to the Lord Lieutenant, on Tuesday the 24th of January 1804—his Excellency was pleased to grant Mr. Emerson an interview, on the Tuesday following; in the course of which, after having received him graciously; his Excellency was pleased to say, that he had read the Memorial, *that it was perfectly correct in its statements*, and that he would refer it to the consideration of Sir Evan Nepean.

In about ten days after this audience, Mr. Emerson waited on Sir Evan Nepean, and had an interview with him, when it appearing that Sir Evan had not yet read the Memorial, Mr. Emerson retired. After waiting about ten days more, Mr. Emerson called a second time, and had another interview with Sir Evan Nepean, who thereupon informed Mr. Emerson that

that he had read his Memorial, *and that he should have a final answer on his claims, before he left the house.* Sir Evan having said so, retired from the room, leaving Mr. Emerson waiting for the answer. In about half an hour, Mr. Flint, private Secretary to Sir Evan, came in, and informed Mr. Emerson, that there were *certain* papers which bore relation to Mr. Emerson's claims, either lost or mislaid ; and that when they were recovered, a written answer should be sent to him. Mr. Emerson in reply, (having ascertained that such papers did not comprise either his Memorial, or the newspaper which was transmitted with it,) requested that he would have the goodness to keep them safe, as Mr. Emerson might want them on a future occasion.

After waiting for above a fortnight without receiving any answer, Mr. Emerson again called on Sir Evan Nepean. Understanding that he could not be seen, Mr. Emerson sent in his name, requesting to know whether Sir Evan had any commands for him, and received for answer by a servant, " that " he had no commands at all for him," nor has he since had an interview with Sir Evan.

In consequence of this message, Mr. Emerson sent the following letter, on the day on which it bears date ; to which Mr. E. never received an answer.

(No. II.)

TO THE RIGHT HON. SIR E. NEPEAN, BART.

13th March, 1804.

SIR,

IN January last I presented to the Lord Lieutenant, an humble Memorial, on the subject of my claims on government for the part I had in the appre-

apprehension of the late Rebel General Russel, and was referred to you for a decision by his Excellency. At the second interview with which you honoured me, you informed me that my claims should receive due investigation, and a final answer before I left your house; however, after waiting some time, Mr. Flint communicated to me, that some Papers which bore relation to the subject, were either lost or mislaid, and that when they should be found I should have an answer. He did not mention to me the nature of the Papers so mislaid; but on my ascertaining that they did not comprise either of those, which I had the honor of presenting to his Excellency, I begged he would have the goodness to keep the latter documents safe, as I might want them on a future occasion. After waiting above a fortnight I had the honor of sending in my name to you, understanding that it was not your convenience to see me, requesting to know whether you had any commands for me, and received an answer by a servant, "that you had no commands *at all* for me."

I now with great respect beg to know, whether I am to consider this as a final answer to my claims after a due investigation; if so, I request you will direct that my memorial, verified on oath, *and which Lord Hardwicke was pleased to say was perfectly correct in its statement*, together with the Belfast newspaper, may be returned to me.

I have the honor to be,
Sir,
Your most obedient,
And very humble servant,
J. S. EMERSON.

Mr.

Mr. Emerson having waited from the 13th of March to the 18th of April, called on the last mentioned day on Mr. Flint, with whom he had an interview, and thereupon requested to know the titles of such papers as were stated to have been mislaid, and received for answer that Mr. Flint could not inform him, *and that Sir Evan Nepean would not allow the subject to be mentioned to him*;* and further told Mr. Emerson, that Major Sirr had asserted, that he, Mr. Emerson, was not present in the room when Mr. Russel was disarmed of his pistol and secured. Mr. Emerson having replied that there was no truth in the assertion, left the room astonished at its boldness, and in the course of the day sent the following letter, to which no answer has been since received.

(NO. III.)

SIR,

HAVING heard with much surprise this day, from Mr. Flint, that it has been asserted that I was not present in the room at Mr. Muley's when Mr. Russel was disarmed by Lieut. Minchin, a fact which I have related in a Memorial to his Excellency the Lord Lieutenant, and verified by my oath, I hereby

* From some knowledge of the dispositions of the loyal Gentry of Ireland, I would venture to express my doubts to Sir Evan, who is but lately come into this country, whether this be the best way of managing them, or whether forbidding the *bare mention* of a subject's claim, which had been promised to be investigated and answered, be not better suited to the meridian of the *Thuilleries than Dublin Castle.*

hereby declare that such assertion *is false*, and will publish it as such to the world.

I am, Sir, &c.

J. S. EMERSON.

Quarter past 3 o'clock, 18th April, 1804.
To
Ch. H. Sirr, Esq.

Mr. Emerson, about this time, and in consequence of this groundless and extraordinary assertion, made enquiry after Fleming, the person mentioned in his Memorial, and who, he thought might be as likely as Major Sirr, or Major Sirr's brother-in-law, to recollect and certify that Mr. Emerson was present, when Mr. Emerson learned that Fleming was *dead and buried above a fortnight.**

* This unfortunate man, who was merely secured by Mr. Emerson as a measure of precaution, and whom he has the strongest reason to know was not privy to the concealment of Russel, was without Mr. Emerson's knowledge thrown into prison, from which he was released on Mr. Emerson's representations to Mr. Wickham; however, the agitation of his mind, added to a very delicate habit of body, which was much impaired by his *visit to the Provôst*, brought on a consumption of which he afterwards died.—He has left a widow and several children in great distress.—Mr. Emerson believes, that Fleming in his humble situation was an honest man, and therefore cannot intend any imputation on the moral character of Mr. Marsden, by mentioning the fact of Mr. Fleming having been *second cousin to* that gentleman.

On the 19th of April, (the day after his interview with Mr. Flint and letter to Major Sirr) Mr. Emerson sent the following letter to the Lord Lieutenant:

(NO. IV.)

19th April, 1804.
48, Camden-Street.

MAY IT PLEASE YOUR EXCELLENCY,

I HAD the honor of presenting an humble Memorial to your Excellency in January last, detailing the part I had in the apprehension of the late Mr. Russel, who was executed for high treason, and was referred for a decision on my claims to the Right Hon. Sir Evan Nepean. On the last interview I had with Sir Evan, viz. in the beginning of last February, he was pleased to tell me I should get a final answer to my memorial before I left his house; but after waiting for some time I was informed by Mr. Flint, that there were some Papers which bore relation to my Claims, either lost or mislaid, and that I should receive an Answer when they were recovered. Wishing to bring the subject to an issue, I yesterday had an interview with Mr. Flint, and requested to know the titles of such papers as were stated to me to have been mislaid. He told me that he could not inform me, and that Sir Evan Nepean would not allow the subject to be mentioned to him, and to my great surprise for the first time I learned from him, that the Town Major Sirr had asserted, that I was not present in the Room when Mr. Russel was disarmed of his Pistol and secured, although I had particularly stated that I was, and detailed all the circumstances which took place on that occasion in the Memorial, *verified by my oath* presented to your Excel-

Excellency; and although a statement to that effect was published on the day subsequent to Mr. Russel's capture, in the newspapers, which was never attempted to be contradicted.*

 I beg

* The following statement of the apprehension of Mr. Russel was published in the Dublin Journal, on the day subsequent to his capture, and copied into the principal newspapers in the United Kingdom:

Mr. J. S. Emerson, of the Attornies Infantry, having received information that a stranger of suspicious appearance was studiously concealed in the house of Mr. Muley, Gunmaker, in Parliament-street, immediately communicated the circumstance to Mr. Secretary Marsden, by whom he was referred to Major Sirr. Mr. Emerson called upon the Major about nine o'clock last night, and accompanied by him and Lieut. Minchin, of the Stephen's-Green Cavalry, proceeded to the house in question, where, in an upper room, they discovered the person whose conduct had excited suspicion. Upon their attempting to examine him, the stranger drew forth two pistols, which were as instantly seized by the Major and Lieut. Minchin. At this moment the description of Russel's person occurred to Mr. Emerson's mind, and he instantly charged the prisoner (who called himself Thomas) as Russel, the *Rebel General*. Upon being brought to the Castle, Russel was identified by the Hon. Captain Knox, and several other Northern Gentlemen, who had been with Mr. Wickham at dinner. Russel was then committed to close custody, and will be this day examined by the Privy Council. Various are the opinions respecting the circumstance of his being found in the city of Dublin at such a time as the present; but his arrest is considered as of extraordinary importance.

After his arrest he expressed himself with great boldness and confidence; talked of the *Cause* in which he was embarked, and declared his readiness to support it in the field or on the scaffold.

I beg leave, with great respect, for the present, to wave all pecuniary claim on your Excellency's Government, not wishing that any inferior matter should be mixed with the defence of my character, which has in this instance been most grossly attacked, and to request that your Excellency will order my Memorial to meet with such immediate consideration, as I trust will refute the slander thus attempted against my honor.

While I return my best thanks for the gracious manner in which your Excellency was pleased to receive me, I must say, that were I not conscious that my information had, through Providence, probably prevented the effusion of much loyal Blood in this City, I should sincerely regret that I had ever communicated the circumstances which led to the capture of Mr. Russel.

With the most profound respect,

I am your Excellency's most

Obedient humble servant,

J. S. EMERSON.

On

On the 27th of April, Mr. Emerson wrote the following letter to his Excellency:

(NO. V.)

MAY IT PLEASE YOUR EXCELLENCY,

IN addition to the Proofs which I had the honor of laying before your Excellency, in my Letter of the 19th inst. adduced for the purpose of supporting my Statement, "that I had been present at the apprehension of the late Mr. Russel," and which the Town Major Sirr has thought proper to contradict, I have the honor of enclosing to your Excellency, Copies of two Letters from Henry Joy, Esq. who was Mr. Russel's leading Counsel, and J. Slacke, Esq. Adjutant of the Lawyers Corps, by which your Excellency will see my Statement corroborated in the most conclusive manner by Mr. Russel himself. Both of these gentlemen will attend your Excellency, or any Court of Enquiry your Excellency may be pleased to institute for deciding the question. I will also bring forward three military Officers, who upon my calling to the Exchange Guard for assistance from the window of Mr. Russel's chamber, instantly came to the room, and have a perfect recollection of seeing me on that occasion. Your Excellency will see the strong necessity of having this matter speedily investigated. Putting my complaint entirely out of the case; it will be but doing justice to Major Sirr, by giving him an opportunity of supporting his character for veracity; and

and when your Excellency is pleased to recollect how many lives have been forfeited to the laws on the testimony of that officer, you will see that the public are interested in having every opportunity afforded to him, of establishing his veracity on the present occasion.

If on the contrary, your Excellency has been taught to believe, that I am neither worthy of credit or even of an answer, and shall be advised to direct an impenetrable silence to be opposed against every attempt of mine for enquiry or relief, I trust that your Excellency will not be offended, when after all my humble though fruitless solicitations to your Excellency's Government, I shall, with the highest and most unfeigned respect for your Excellency individually, appeal to public opinion, by causing my Memorial, all my subsequent Letters, and the several proofs by which my character is to be vindicated, to be published.

I have the honor to be,
Your Excellency's
Most faithful,
Humble servant,

J. S. EMERSON.

27th April.
48, Camden-street.

The

The two following letters are those adverted to, in the foregoing letter to the Lord Lieutenant, and having been received the day before by Mr. Emerson, were enclosed to his Excellency.

(No. VI.)

SIR,

I have just had the honor of your letter, relative to the conversation which I had with the late Mr. Russel, previous to his trial, on the subject of his arrest. I cannot, at this distance of time, charge my memory with *all* the particulars which he related to me; but on comparing the account which he gave me of that transaction, with the one which my friend Mr. Slacke informed me, he had received of it from you, they appeared to me perfectly to correspond. *Of the particular fact of which you wish to be ascertained, I have a perfect recollection; Mr. Russel not only informed me that you were in the room at the time of his apprehension, but mentioned, that Major Sirr seemed not to have had the least suspicion of his person, until he observed you whisper him, and heard you, as he imagined, pronounce the name of Russel.* It is impossible for me to say, whether Mr. Russel assented to the correctness of Major Sirr's testimony on the trial, as I had no conversation with Russel, either during or after the trial.

I have the Honor to be,

Sir,

Your most obedient, humble Servant,

H. JOY.

Temple-street,
26th April, 1804.

DEAR

(No. VII.)

DEAR SIR,

As some months have elapsed, since the conversation alluded to, took place between Mr. Joy and me, I cannot now mention every particular of it. I however perfectly recollect that Mr. Joy mentioned that the account given by some persons, of the arrest of Russel, did not correspond with that given to him by Russel himself; I stated to Mr. Joy the circumstances of the arrest, as detailed by you to me, a day or two after it took place. Mr. Joy informed me, that your account perfectly corresponded with Russel's.

I am, dear Sir,

Your humble Servant,

J. SLACKE.

Summer-Hill,
26th April, 1804.

On the second of May, Mr. Emerson called upon Mr. Campbell, his Excellency's private Secretary, to know if there was any answer to his letter; who having received him politely, desired Mr. Emerson to call on him on the following Tuesday, saying that he would see his Excellency in the mean time; Mr. Emerson called accordingly, and undersood from him, that his Excellency would not interfere in the matter.

On the 10th of the present month, Mr. Emerson received the following letter, in answer to one which he had written to Lieutenant Stewart.

SIR,

(No. VIII.)

SIR,

I have this instant received your letter, and am indeed much surprised that any doubt should be entertained for a moment, of your having been present at the apprehension of the Rebel General Russel; I shall, therefore, with pleasure detail the circumstances which came within my own knowledge, on that occasion. I was passing by the Exchange guard, on the night Mr. Russel was captured, and having heard you call out from one of the upper windows of Mr. Muley's house in Parliament-street, to the guard for assistance, I instantly accompanied them to the house, and was the first person who entered Mr. Russel's chamber, *as soon as it was opened from the inside;* you, Sir, were in the room in the uniform of the Attornies Infantry, with your bayonet drawn in your hand; you told me that you were convinced that the prisoner was General Russel, and informed me of his having drawn a pistol out of his pocket, immediately before you called the guard. Major Sirr and another gentleman out of uniform were in the room. I understood that night, and indeed never heard it contradicted, that you were the person who *conducted* the business, and that the Town-Major acted as your assistant on that occasion. At the desire of Major Sirr, I conducted Mr. Russel to the Castle. You are at full liberty, Sir, to make what use you think proper of the above statement.

I am, Sir,
Your obedient Servant,
THOMAS STEWART.*

May 19, 1804.

On

* Messrs. Barton and Hoey, officers in the Canal Corps, who were on guard at the Royal Exchange that night, followed Mr. Stewart into Mr. Russel's apartment, and have a perfect recollection of the transaction as stated in the above letter.

On the same day Mr. Emerson received the following answer, to a letter which he had written to the Honorable Baron Smith.

(No. IX.)

DEAR SIR,

I never did hear it insinuated by Mr. Marsden, or by any other person, that you were not present at the apprehension of Russel; nor did I know that the fact was doubted.

I am certain you will on reflection, perceive, that I cannot be expected to answer the other parts of your letter; and that I must even decline, in the present circumstances from giving you any advice. I have merely to refer you to your own good sense, *and mature reflection.* I believe in my conscience, that no person doubts your having been present at the apprehension; and that your character for honour and veracity, is out of the reach of those vague rumours to which I doubt whether you do not attach too much consequence. I perfectly recollect my having received the written account of the apprehension which you mention. I did not receive it, as you suppose, on that night; but next morning. If I can lay my hands on it you shall have it; but I am afraid I have destroyed it.

Come to me as soon as you please; but do not attribute it to want of regard, (but to the peculiarity of my situation) if I entreat that you never mention this matter, in which you have got entangled, to me again.*

Ever Faithfully Yours,
WILLIAM SMITH.

May 10th, 1804.
Merrion Square.

* Mr. Emerson apprehends that there can be no objection to the publication of this letter. He would however, have first

I hope and believe the public will think the foregoing documents, more than sufficient for my vindication, and the refutation of the assertions that have been made against my claims. I shall therefore without further comment, leave them to decide on the motives which dictated those assertions.

J. S. EMERSON.

48, Camden-street.
14th May, 1804.

first asked Baron Smith's permission, were it not for the above prohibition. He will see from the foregoing pages, that it *has* been doubted whether Mr. E. was present, and that it has been asserted that he was not.

APPENDIX.

APPENDIX.

One Thousand Pounds Reward.

I am authorised by Government to pay the sum of *Five Hundred Pounds*, to any person or persons who shall apprehend and deliver into custody, THOMAS RUSSEL, late of the 64th Regiment of Foot, in whose name a rebellious Proclamation has been lately circulated through this country.

I am also authorised to add to the above sum, the further sum of *Five Hundred Pounds*, being part of a sum subscribed by some of the inhabitants of Belfast, for the purpose of bringing to immediate punishment, such persons as attempt to disturb the peace of the country.

Belfast,
Aug. 11, 1803.

EDWARD MAY,
Sovereign.

By

APPENDIX.

By Brig. Gen. COLIN CAMPBELL,

Commanding in the North East Division
of the Northern District.

Whereas, an Outlaw named THOMAS RUSSEL, formerly an Officer in the 64th Regiment of Foot, and some time confined at Fort George, in North Britain, has published a Proclamation, in which he styles himself, GENERAL IN CHIEF OF THE NORTHERN DISTRICT, AND MEMBER OF THE PROVISIONAL GOVERNMENT,—addressed to

"*MEN OF IRELAND!*

"Once more in arms to assert the Rights of Man-
"kind, and liberate your Country," &c. &c. &c.

Now, this is to give notice, that the sum of five hundred pounds will be paid by me, to any person or persons who shall apprehend, and deliver into custody, the above-mentioned traitor, *or who shall give such information, as may lead to his apprehension.* Here follows a description of the said THOMAS RUSSEL; he is a tall handsome man, about five feet eleven inches high, dark complexion, aquiline nose, large black eyes, with heavy eye-brows, good teeth, full chested, walks generally fast and upright, and has a military appearance, is about 48 years of age, speaks fluently, with a clear distinct voice, and has a good address.

Given at Belfast,
this 19th day of August, 1803.

COLIN CAMPBELL,
BRIG. GEN.

APPENDIX.

THOMAS RUSSEL,

Member of the Provisional Government, and General in Chief of the Northern District.

Men of Ireland!—Once more in arms to assert the rights of mankind, and liberate your Country! You see by the secrecy with which this effort has been conducted, by the multitudes in all parts of Ireland, who are engaged in executing this great object, that your Provisional government has acted with wisdom. You will see that in Dublin, in the West, the North, and the South, the blow has been struck in the same moment. Your enemies can no more withstand, than they could foresee this mighty exertion. The Proclamation and regulations will shew, that your interest and hononr have been considered. Your general, appointed by that government to command in this district, has only to exhort you, strongly to comply with these regulations. Your valour is well known; be as just and humane, as you are brave; aud then rely with confidence that God, with whom alone is victory, will crown your efforts with success.

The General orders, that hostages shall be secured in all quarters; and hereby apprises the English commander, that any outrage, contrary to the acknowledged laws of war, and of morality, shall be retaliated in the severest manner. And he further makes known, that such Irish, as in ten days from the date of this, are found in arms against their country, shall be treated as rebels, committed for trial, and their properties confiscated. But all men behaving peaceably, shall be under the protection of the law.

Head-quarters,
July 24th, 1804.

FINIS.

POSTSCRIPT.

THE following Paragraph and Affidavit have been inserted in several of the newspapers.

The apprehension of Mr. Russel, the Rebel General, having become a topic of much conversation, *a correspondent* has favoured us with the following copy of an affidavit, which will enable our readers to form *a decisive opinion on the subject.*

County of the City of Dublin to wit. } Henry Charles Sirr and Humphry Minchin, Esq. two of his Majesty's Justices of the Peace for the county of Dublin, came this day before me, and made oath, on the Holy Evangelists, and say, that on the night of the 9th of September last, these deponents apprehended Thomas Russel, since executed for high treason, in the house of Daniel Muley, gun-smith, in Parliament-street; and that they from thence conducted said Russel a prisoner, to the castle of Dublin, aided by a party of the Exchange guard.

Deponents further say, that when they so apprehended said Russel, he was armed with a case of pistols, of which deponents disarmed him.—And deponents say, that at the time they so apprehended and disarmed the said Thomas Russel, and, for some

minutes after, there was not any person whatsoever in the apartment in which they had so apprehended and disarmed the said Thomas Russel, save and except said Russel and deponents. But, they say, that in some short time after they had so apprehended and disarmed the said Thomas Russel, John Swift Emerson, of Camden-street, Attorney, entered the room.

Sworn before me, 22d May, 1804.

HENRY HUTTON, Lord Mayor.

HENRY C. SIRR.
H. MINCHIN.

It is not my intention to *decide* on the motives of two magistrates, who have thus called on the Deity, in the most solemn manner prescribed by the Christian faith, to witness their veracity; nor will I insult the understanding of my readers, by taking up their time in proving, that the intentional suppression of truth is as criminal as the suggestion of falsehood. But I will ask any reader of common sense, who is called upon to form a *decisive opinion on the subject*, from the foregoing document, and who had no other *data* to found his opinion on, whether he would not think that these *brother* magistrates had apprehended Mr. Russel, either without previous information, or at least without any information connected with me, and that I, attracted by the noise, but an utter stranger to the transaction, *happened* to walk into the apartment accidentally, to enquire what was the matter. Such a reader would be then tempted to exclaim, "Why, this Mr. Emerson does not appear "to have had any share whatever in the apprehension "of Mr. Russel, not so much as even one of the pri-"vates of the Exchange guard, who *aided* these magis-

" trates; upon what principle could Mr. Marsden have " acted, in adjudging him a sum of 750*l.*; and then " again, Mr. Sirr, who appears in the most disin- " terested manner, to share the whole merit of the " transaction with his brother-in-law, is also ad- " judged by this Mr. Marsden another sum of 750*l.* " while Mr. Minchin is totally forgotten. I really " believe that this government is entirely influenced " by caprice, and does not act on any settled prin- " ciple whatever." Such naturally would be the sentiments of a reader thus imperfectly informed, and such the dilemma in which this affidavit places the Irish government. But to a reader who had examined the transaction, as minutely detailed in my memorial, verified by my oath on the 24th January last, and which, after a week's investigation, was pronounced by Lord Hardwicke to be *correct in its statement*, and who had then read the affidavit of the *brother* magistrate in answer to it, sworn on the 22d of May subsequent, I would say, " on " your conscience do you believe that Messrs. Sirr " and Minchin disclosed the whole truth in their " affidavit." I am far from charging them with intentional suppression, for that might be a libel.

With the most profound respect, I would submit to the Lord Chancellor, under whose peculiar superintendance the magistrates of Ireland are placed, and who has so energetically described the duties of one; if these two affidavits as set out in this pamphlet, were under his cognizance in the high Court of Chancery, independent of the documents by which the former is supported, would he not decide that a *suppression of truth* was manifest on the face of the latter. I do not say that his Lord-

ship

ship would pronounce the suppression to be intentional.

Having positively stated on oath, my having been present at the apprehension of Mr. Russel, I consider myself, (without incurring the reputation of a libeller,) as entitled to declare that any assertion, whether made on oath or not, which goes to contradict my statement, is so far false. How is my statement supported? by the strongest evidence; the notoriety of the fact at the time, its uncontradicted publication in all the newspapers of the day; my having minutely detailed it to several gentlemen of respectability, on the night of Mr. Russel's capture; to Mr. Marsden on the ensuing day; to Mr. Wickham on the ensuing week, when I succeeded in procuring the release of Mr. Fleming; the candid statement of the fact by Mr. Russel to his leading counsel, on the awful occasion of preparing his defence, attested by the signature of that counsel; and if it required a further support, from Mr. Marsdens not having insinuated an idea to the contrary, in any of his communications. How is the statement contradicted? by the joint affidavit of Major Sirr, an interested party, and of his brother-in-law Mr. Minchin, who at this moment has a memorial setting forth his services, and praying remuneration, pending before government.

I now beg to recal the attention of the reader to what I have sworn, viz. that I was present when Mr. Russel drew his pistol, and when he was disarmed, and that I was then employed in preventing Fleming from giving him any assistance, and that it was I who had conducted Major Sirr to the house of Muley. I here solemnly repeat, that this is the truth, and that the contrary of this is false.

But

But one word more; I must again apologise for this further intrusion of the concerns of an individual, of so little interest to the public. As a Freeman of this city, and a Yeoman, I considered myself bound to communicate with the Irish Government, through Mr. Marsden, on the 9th of September last. The treatment I have received from that Government, has tended to make me regret every day since, my having held such communication. The purity of my motives is my most substantial consolation.—My conduct is before my fellow-citizens; I dismiss the subject, I hope, for ever.

J. S. EMERSON.

24th May, 1804.
48, Camden-ſtreet.

Since I wrote the above, I received a letter from Mr. Baron Smith, in answer to one I wrote to him yesterday. As I have his permission, and they relate immediately to the subject of this Postscript, I transcribe them without further comment.

MY DEAR SIR,

I HOPE you have ceased to blame me for publishing your letters without permission. They were very important documents to me, and seemed to contain nothing which you need object to have been made public.

I enclose you an affidavit, flatly contradicting some statements in mine. After the desire which you expressed in your last letter, of not being farther troubled with the business, perhaps I ought not

not to intrude on you again ; but you would oblige me greatly by informing me whether, on the 25th of October, Mr. Marsden in his interview with you, represented me as having assisted in the apprehension of General Russell, or the contrary : and by kindly allowing me to insert any answer to my present letter, which you may favour me with, in an addition which I am making to my " Appeal" in consequence of the enclosed affidavit.—I trust that nothing which you have seen could induce you to distrust my veracity. Believe me, my dear Sir, the situation of the different persons in the room at the moment when Russell first drew the pistol, is before my eyes as a picture, and I had been ten minutes in the room at least before he was disarmed. I don't wish to publish imputations upon any person ; but when a man on his oath contradicts what I have sworn, I cannot admit that what he says is true. This business has given me more concern than I can express, and I would rather than twice five hundred pounds I had never been concerned in it. When on your recommendation I agreed to take 750l. I thought I should have had no more trouble ; and I can assure you that some sensible persons continue to be of the opinion which you have changed, that I was entitled to 1500l. But as to the money I am very indifferent about it. I beg pardon for this last trouble which I am giving you ;

And remain, dear Sir,
Your faithful Servant,

J. S. EMERSON.

23d May.

DEAR

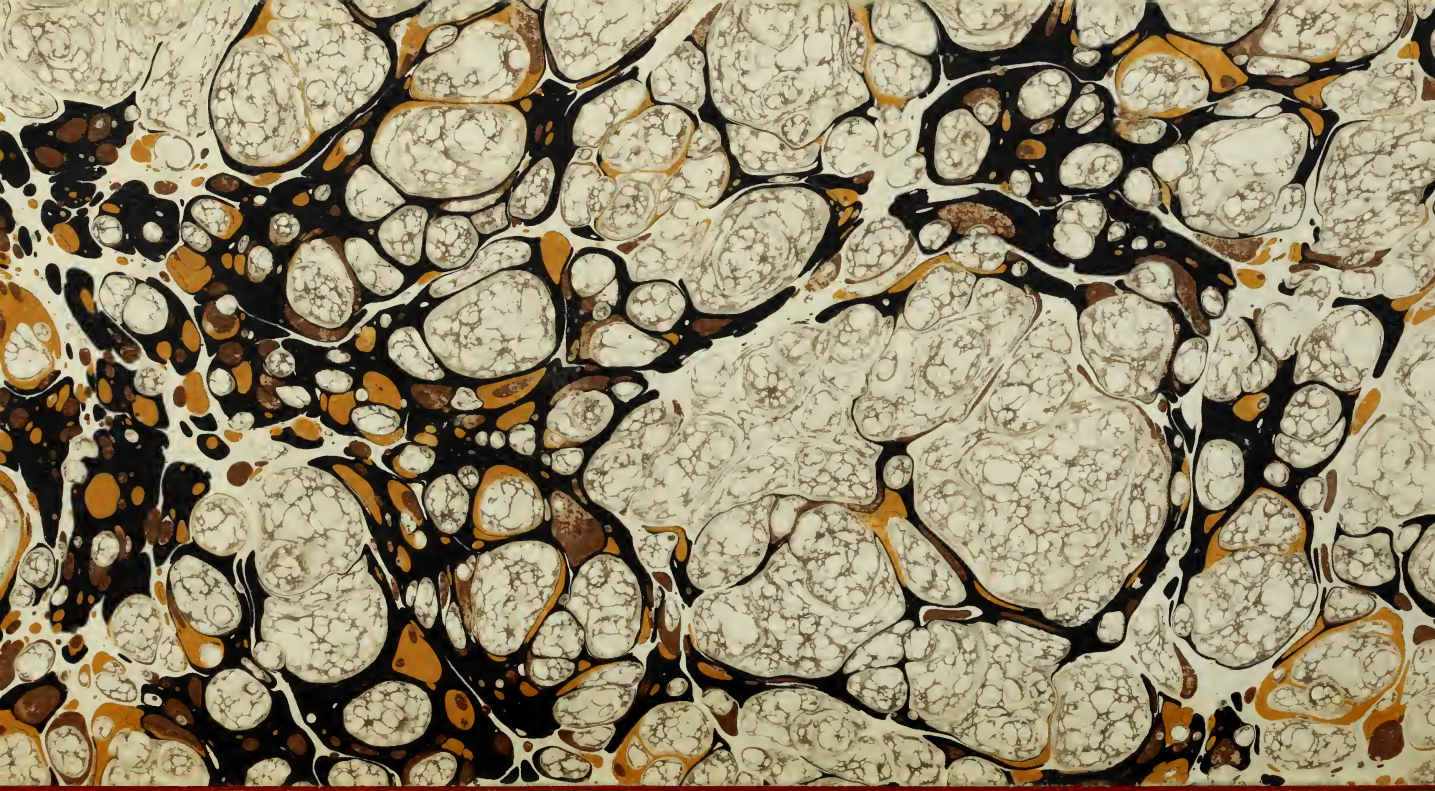
DEAR EMERSON,

I THINK it would have been more correct to apply to me for the permission which you mention; but I sincerely forgive you, and admit, that considering the nature of my letters, you were excusable in publishing them, if you thought them calculated to strengthen your case.—Mr. Marsden, in his interview with me, on the 25th of October, did certainly and explicitly (and I am sure very truly) speak of you as one whom he considered as having first given the information, which led to the apprehension of Russell, and having afterwards assisted in that apprehension; and he represented the 750l. as given in consideration of both services.

I have read the affidavit of Messrs. Sirr and Minchin; and assure you that I have not a shade of doubt, that you were present when they disarmed and apprehended Russell. I presume, in the confusion and agitation of the moment, they overlooked the fact of your being present; and the death of Mr. Fleming has prevented their recollection from being refreshed. They may, without being perjured, have forgotten what did happen; but you cannot, without being forsworn, remember what did not. At all events, where contradictory affidavits are sworn, as a man cannot believe both, he is at liberty (or more properly speaking he is obliged) to chuse which of them he will give credit to; and accordingly, in the present case, with every respectful wish to assent to the statements of Messrs. Sirr and Minchin, I feel compelled to believe yours, which contradicts them. In disbelieving them, I may admit the possibility of their being merely inaccurate and forgetful:

forgetful: but I could not disbelieve you, without pronouncing you to be perjured. This, all my experience of you forbids, and leads me to rely not only on your Oath, but on your Word.—You are mistaken in supposing that I have changed my opinion of your title, or my construction of the Proclamations on which it is founded. The inclination of my opinion still is, that you were in strictness entitled to the whole 1,500l. *if raised*, and that in agreeing to accept of 750l. you surrendered a portion of your right. But this opinion may be a very erroneous one; and even if it were not, I should still think myself to have been right in advising your acceptance of the 750l. considering what I supposed to be Mr. Marsden's sentiments towards you. I feel for your situation; and am truly sorry that so much uneasiness has been the fruit of your useful and spirited exertions; and the best apology which I can make for my having declined, in a former letter, to be "farther troubled with the business," (though, by the way, I doubt my having so expressed myself) is to permit you to make whatever use you may think proper, of my present letter.

Your's sincerely,

W. SMITH.

24th May, 1804.